



PLANNING COMMISSION MINUTES

Meeting of August 11, 2016

City Hall Council Chambers * 290 North 100 West Logan, UT 84321 * www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, August 11, 2016. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: Amanda Davis, Dave Newman, Tony Nielson, Eduardo Ortiz, Russ Price, Sara Sinclair

Planning Commissioners Excused: David Butterfield

Staff Present: Mike DeSimone, Russ Holley, Amber Pollan, Kymber Housley, Lance Houser, Paul Taylor, Debbie Zilles

Minutes as written and recorded from the July 28, 2016 meeting were reviewed. Commissioner Sinclair moved that the minutes be approved as submitted. Commissioner Price seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 16-035 The Family Place Rezone [Zone Change] Lance Parker/Child & Family Support Center of Cache Valley, authorized agent/owner, request a rezone of .82 acres from Mixed Residential (MR-12) to Community Commercial (CC) on the property located at 380 West 1400 North; TIN 05-041-0042.

STAFF: Mr. Holley reviewed the request to rezone a 0.82 acre parcel from Mixed Residential Low (MR-12) to Community Commercial (CC) with the intent of broadening the range of permitted land uses for the purposes of selling the property to a future user.

The building was originally constructed in 1987 and a substantial building addition was constructed in 2004 on the north side. A conditional use permit was issued for community services (The Family Place) in 2004. The site contains a 6,000 SF one-story brick building, a 16-stall parking lot, circular driveway drop-off area, playground and full landscaping. The parking lot is accessed via 1400 North and the drop-off area is accessed via 400 West.

This building was constructed as a commercial structure and to convert it to a residential structure in conformance with the MR-12 zone is impractical. The allowed commercial uses on the MR-12 are very limited. The property is already developed in a manner that is sensitive to the adjacent residents and with conditional use permits required for most Community Commercial (CC) land uses, further opportunities to control impacts will be reviewed on a case-by-case basis. Staff considers the rezone request and the opportunity for additional small-scale, walk-able, neighborhood-serving commercial that is beneficial to the area.

PROPONENT: Lance Parker, the listing agent, explained that the Family Place has opened their new building and this property is being marketed for sale. Most of the interest has been for use as a daycare and the current zone only allows up to 16 clients. Due to the size, value, and cost of the building having 16 or less does not make sense. He believes this change will be a good fit for the area.

PUBLIC: Jack W. Peterson wanted to ensure that residents of the area were notified and that due diligence was applied. Mr. Holley explained that all the minimum legal and public notices were met as required by state law.

COMMISSION: Mr. Holley clarified for Chairman Davis that the Future Land Use Plan (FLUP) identifies this property as Mixed Residential (MR). If a non-permitted use for the property were to be requested, it would have to come before the Commission for review for a Conditional Use Permit.

Chairman Davis asked if there would be a maximum number of clients permitted. Mr. Holley said the facility would have to conform to the state requirement, which is based upon the square footage of the building.

Chairman Davis asked the Commission to review the list of permitted uses (provided in the report). Mr. Holley reminded the Commission that permitted uses cannot be denied, however, conditions can be placed on a specific project to mitigate any potential negative impacts.

Commissioner Price asked about detention facilities (indicated on the list with a footnote). Mr. Holley explained that this not an allowed use unless state and/or federal law preempts local zoning.

Chairman Davis asked if there would be any specific requirements due to this parcel being located next to residential zoning. Mr. Holley explained that any building additions would need to meet setback requirements. Specific conditions can be addressed during the Conditional Use Permit process. This proposal is only requesting a zone change.

MOTION: Commissioner Nielson moved to **recommend approval** to the Municipal Council for a zone change as outlined in PC 16-035 with the findings for approval as listed below. Commissioner Ortiz seconded the motion.

FINDINGS FOR APPROVAL

1. The rezone is consistent with the site layout and property configuration as currently developed.
2. The rezone, if considered similar to that of the Neighborhood Commercial, is consistent with the Logan City General Plan.
3. The rezone is limited enough to ensure neighborhood compatibility with the current character of the area.
4. The streets and infrastructure services are sufficient in size and capacity to handle all allowed uses in the CC zoning district.

Moved: Commissioner Nielson Seconded: Commissioner Ortiz **Passed:** 6-0

Yea: A. Davis, D. Newman, T. Nielson, E. Ortiz, R. Price, S. Sinclair Nay: Abstain:

PC 16-036 Rosehill Subdivision Phases 3-4 [Subdivision Permit] Dan Larsen-Kartchner Homes/Rosehill LLC, authorized agent/owner, request a 39-lot subdivision to be completed in two phases on 13.03 acres located at 1800 South 1400 West in the Mixed Residential (MR-9) zone; TIN 03-005-0047;-0051.

STAFF: Ms. Pollan reviewed the request to subdivide the property into 39 single-family residential lots developed in two (2) phases and a 3.68 acre open space. The project is intended to be a continuation of the Rosehill subdivision project that was started in 2002 as a planned unit development which included clustered housing to provide for preservation of wetland areas for passive open space and a private neighborhood park. Phases 3 and 4 of the plat expired and the Land Development Code update in 2011 removed the allowances for planned unit developments. The applicant was granted a rezone of the property in June 2016 to MR-9 and recorded an occupancy restriction on the property to develop only single-family residences with a maximum density of six (6) units per acre.

The proposed 39-lot subdivision is at 3 units per acre and all lots meet the minimum 4,000 SF minimum lot size requirements in the Land Development Code (LDC) 17.15.080. The lot frontages, per street, average between 46' and 68', which meet the requirement for a minimum average lot width of 40'. As lots are developed, residences will be reviewed for setback compliance at the time a building permit is submitted. Staff recommends a front setback of 20' be required for garages on the site. In single-family development where driveways lead to a private garage, a 20' setback allows for vehicles to park in the driveway without blocking the sidewalk.

PROPONENT: Dan Larsen, with Kartchner Homes, said they are comfortable with the conditions in the report and had nothing more to add unless there were questions from the Commission.

PUBLIC: None

COMMISSION: Commissioner Price asked about Engineering condition 8-c-iii regarding the 43' road cross sections. Mr. Houser, the Assistant City Engineer, explained that the Engineering Department worked with the applicant to provide consistency within the subdivision. When the project was originally approved as a Planned Unit Development (PUD) it included 43' right-of-ways. Planned Unit Developments are not longer allowed. The proposed loop roads will be 43'. The 43' cross section was modified to include standard park strip and sidewalk on one side and an attached sidewalk on the other side. Pullouts were included to provide for some street parking.

Ms. Pollan clarified that the asphalt area is slightly narrower than in the first phases, however, pullouts and garage setbacks will help allow for guest parking.

Chairman Davis asked about trees in the park strip. Ms. Pollan said they are required, where there is no park strip, they will be placed immediately behind the sidewalk.

Commissioner Nielson asked about the south end of the development called out as passive open space and concerns from Dayton Crites, Cache County Trails Planner. Ms. Pollan advised that a park was constructed during the first phase. Mr. Crites submitted a concern that the proposed 4' sidewalks are too narrow and the placement of sidewalk at the back of curb edge, when combined with curb cuts, creates an uneven and hazardous walking surface. Ms. Pollan explained that a 4' sidewalk, although not ideal, meets the minimum requirement. There is not enough width in the right-of-way to increase the size of the sidewalk.

Ms. Pollan confirmed for Commissioner Ortiz that the 4' sidewalk met ADA requirements.

MOTION: Commissioner Price moved to **conditionally approve** a Subdivision Permit as outlined in PC 16-036 with the conditions of approval as listed below. Commissioner Sinclair seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. Thirty-nine (39) single-family residential lots and a common open space parcel are approved with this permit.
3. A note shall be included on any recorded plats that indicate the garage must be setback a minimum of 20'.
4. The final plat for the phase shall be recorded within one (1) year of this action or comply with LDC 17.58 Expirations and Extensions of Time.
5. Provide 10' public utility easement on all property lines at the bounds of the subdivision and 5' PUE on all other property lines.
6. Street trees are required in the park strip, and where there is no park strip immediately behind the sidewalk on all roads in the subdivision at 30' on center (average) along the Park Avenue

street frontage. Verify species with City Forester prior to planting. Street trees are required at time of construction of sidewalks or may be bonded.

7. Lot line issues will be resolved with the final plat process to consolidate open space common areas and their development and maintenance plan provided for review by staff.
8. Prior to recording of a final plat or issuance of a building permit, the Director of Community Development shall receive a written memorandum from the following departments indicating that their requirement(s) have been satisfied:
 - a. Fire
 - i. Place fire hydrants within 600' of all buildable area of all lots.
 - ii. Roads shall meet Logan City Standards for width and grade.
 - b. Environmental
 - i. Provide all weather turnaround and/or access for collection trucks during construction phases.
 - c. Engineering
 - i. Must comply with current stormwater design standards (which became effective in March 2016). This includes retaining onsite the 90th percent storm events and incorporation of low impact design features for stormwater.
 - ii. Provide City with any outstanding water shares or in-lieu of fee for indoor and outdoor usage.
 - iii. Construct parking pullouts on 43' road cross sections per same requirements used in previous phases of the subdivision.
 - iv. Provide a geotechnical report which identifies the California Bearing Ratio value at road subgrade. Provide recommended road structural section based on subgrade, subbase, and base course CBR values and estimated vehicle traffic.
 - v. City will install all necessary road signage (including signage needed at dead end road). The cost of all signage done by City will be billed to the developer.
 - d. Water/Cross Connection
 - i. All water meter setters must have current approved check valves.
 - ii. All landscape irrigation must have high-hazard rated backflow assemblies installed and tested.

FINDINGS FOR APPROVAL

1. The subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because it meets the minimum requirements of the Land Development Code.
2. Each lot conforms to the requirements of LDC Title 17 in terms of lot size and development requirements.
3. The development provides for protection of sensitive areas and open space to residents.
4. Each lot is suitable for development within the MR-9 zone.
5. The subdivision allows for local roads to stub to adjacent properties to connect to future development.
6. The subdivision conforms to the requirements of Title 17.47 concerning hearings, procedures, application requirements and plat preparations.
7. The project meets the goals and objectives of the Logan General Plan.
8. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

Moved: Commissioner Price Seconded: Commissioner Sinclair **Passed:** 6-0

Yea: A. Davis, D. Newman, T. Nielson, E. Ortiz, R. Price, S. Sinclair Nay: Abstain:

PC 16-037 Miller's Utah Carzz [Conditional Use Permit] Larry W. Miller, authorized agent/owner, requests use of the .51 acre lot and existing buildings for use as an auto sales dealership at 960 North Main in the Commercial (COM) zone; TIN 05-024-0015.

STAFF: Ms. Pollan reviewed the request for vehicle sales in the COM zone. This site has been the location of Utah Carzz in the past. In 1999, a Conditional Use Permit was issued for a used car dealership. Improvements were made to the site including adding the landscape strip on the front of the lot and adding plantings on the south side of the lot. Utah Carzz operated until 2005 then relocated. Avis Rent a Car operated on the site from 2006 through 2013, One Stop Auto Sales took over the lot for 2013 through 2014. As it has been over a year since vehicle sales have taken place on the lot, a new Conditional Use Permit is required.

The applicant is proposing to use the existing buildings, bathrooms and office, and add a storage shed to the property. Accessory structures of this size must be setback a minimum of 5' from property lines and have some architectural consistency with the primary building. If the shed is painted to be consistent with the building and oriented with the door to the south, the color, roofline, and material will have consistency with the existing buildings. The property would be used for vehicle display with customer and employee parking. There will likely be three (3) employees and the business will utilize existing signage areas.

The property is approximately half an acre with a third acre used in conjunction with this request. The site is paved and striped for parking. There has been a lot line adjustment between this property and the property to the north. Staff recommends the owner work with the Engineering Department to determine if a Boundary Line Adjustment is required. There is existing landscaping around the property with an 8' area between the car wash and the lot and a 3' strip along the frontage and on the south side of the lot. Employee parking is proposed for the east side of the lot and three stalls along the north side would be utilized for customer parking. Three employees are anticipated so the three employee parking spaces will be adequate for the site. Customer parking is based on floor area, which would require two spaces based on the building sizes. The customer parking spaces would meet Code and allow for parking without blocking travel lanes through the site. Vehicle display would take place in the remaining stalls with a proposal for elevated vehicle display ramps.

Utah Carzz would like to use elevated displays along Main Street on either side of the access. Staff recommends that the use be conditioned that the display ramps be located outside the sight triangles for the driveway on the property and any adjacent driveways. The sight triangle for driveways is the area adjacent to a driveway that extends 30' back from the curb and along the curb for 30'. This allows drivers and pedestrians to see traffic on the road and sidewalk before they are entering the right-of-way. In the 1999 Conditional Use Permit, right turns only onto Main Street were approved. A sign will need to be installed at the egress indicating right turns only.

As there is not new development or a change of use, full compliance with current landscaping requirements and setbacks is not required. There was an approved landscaping plan associated with the 1999 Conditional Use Permit. There were seven trees planted on the south landscaping strip and ground cover and perennials between the trees and around the sign. Staff recommends the approved landscaping be implemented with four trees replanted on the south landscape strip with ground cover and plantings around the sign area to bring the site into compliance with the original approval. Should there be new development or a new use on the site in the future, the site would be reviewed for compliance with current landscaping setbacks and open space percentages.

PROPONENT: Bruce Williams, Utah Carzz General Manager, said a storage shed will not be added. Landscaping has been purchased and is ready to be installed.

PUBLIC: None

COMMISSION: Chairman Davis asked if the landscaping is compliant with the current requirements. Ms. Pollan explained that since this is not a new development or change of use, full compliance with current landscaping and setbacks is not required. A landscaping plan was approved with the 1999 plan and staff is recommending that landscaping be brought into compliance with that original approval.

Commissioner Price advised that the condition of approval related to the shed be removed since it will not be installed (per the applicant).

Commissioner Nielson asked if the display requirements are consistent with other similar businesses in the area. Mr. DeSimone confirmed that there is consistency with projects having to meet all applicable requirements.

Commissioner Price said he would like to see the City find ways for the highest and best possible use for commercial areas along Main Street. Although the City needs the commerce, he would like to see this area developed differently.

MOTION: Commissioner Sinclair moved to **conditionally approve** a Conditional Use Permit as outlined in PC 16-037 with the conditions of approval as listed below. Commissioner Newman seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. This permit authorizes vehicle sales at this property.
3. Work with the City Engineer to resolve any boundary line adjustment issues. Submit a Boundary Line Adjustment application if required.
4. Three (3) stalls will be provided for employee parking and three (3) parking stalls for customer parking provided onsite.
5. Display ramps will be located outside of the 30' sight distance triangle from the drive access to the property and driveways on adjacent properties.
6. A "Right Turn Only" sign be installed at property line for egress onto Main Street.
7. Landscaping will be brought into compliance with the approved landscaping plan by planting four (4) trees in the landscape strip on the south side of the property with ground cover between the trees. The signage area will be planted with ground cover of perennials.
8. Any new exterior lighting shall be concealed source, down-cast and reviewed and approved prior to the issuance of a building permit and shall comply with current LDC regulations.
9. No signs or fences are approved with this Conditional Use Permit. All signs and fences shall be approved and permitted by staff in accordance with the Land Development Code.
10. Contact Environmental Dept. to set up residential carts or coordinate garbage service collection.
11. If any washing of cars is occurring onsite, Water Department requires the water main have a high-hazard backflow assembly RP (ASSE 1013) installed on the water main as it enters building before any branch-offs or connections and be tested. (Containment and point of use).

FINDINGS FOR APPROVAL

1. As conditioned, with designated display locations, the project is compatible with surrounding land uses and zoning designations and will not interfere with the use and enjoyment of adjoining properties.
2. As conditioned, the street providing to the subject property has adequate capacity for the proposed use.
3. Other infrastructure to the subject property has adequate capacity, or suitable levels of service, for the proposed use.

Moved: Commissioner Sinclair Seconded: Commissioner Newman **Passed:** 6-0
Yea: A. Davis, D. Newman, T. Nielson, E. Ortiz, R. Price, S. Sinclair Nay: Abstain:

WORKSHOP ITEMS for August 25, 2016

- ✓ PC 16-032 Berntson Estates Subdivision – continued from July 28, 2016

Meeting adjourned at 6:20 p.m.

Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of August 11, 2016.

Michael A. DeSimone
Community Development Director

Amanda Davis
Planning Commission Chairman

Russ Holley
Senior Planner

Amber Pollan
Planner II

Debbie Zilles
Administrative Assistant